

REMARKS

Upon entry of the present amendment, claims 3 and 11 will have been amended to clarify the features of the invention. In view of the amendments and remarks, applicants respectfully request reconsideration and withdrawal of the outstanding rejections set forth in the Official Action, together with the allowance of all the claims pending in the present application.

In the outstanding Official Action, claims 1 - 7, 9 - 15, 17, and 18 were rejected as being unpatentable over GERACE in view of HOFFBERG et al.; claims 8 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over GERACE in view of HOFFBERG in further view of VANDERHEIDEN et al. Applicants respectfully traverse.

Claims 1, 3, and 11 recite, *inter alia*, categorizing a user population into at least two groups based on at least one of user behavioral characteristics and user preferences. Each group has a plurality of users. As the Examiner acknowledges, GERACE determines the profile of individual computer users. That is, GERACE discloses a "user profile" that is unique "for each user" (see column 5, lines 63-65). GERACE is thus directed to a single user. The Examiner relies upon HOFFBERG to show groups of multiple people.

It is submitted, however, that the Examiner's reasoning for combining the references is contrary to the teachings of the references themselves. The Examiner states that watching TV and listening to music is often done by groups of people. GERACE is related, however, to computer activity, which is usually conducted by individuals, and not groups. Throughout the disclosure, GERACE repeatedly discusses the individual user, consistent with the media GERACE is operating in. For example, column 1, lines 66-67 disclose an Internet publishing system (e.g., "agate provider") that is uniquely configured for each user.

Moreover, the Examiner states that a computer can provide assistance to group browsing by finding mutual interests among the participants. Regardless of whether a computer can be used by multiple people, the reference itself does not provide any reasoning for such a modification. There is no discussion or suggestion of applying the invention to multiple users. The focus is solely on the individual user. As noted in the outstanding Official Action, the profile information of GERACE is used to design a "customized user interface," i.e., an interface that is uniquely tailored for each user. In GERACE, advertisements are targeted to individual users, and not any type of group.

Thus, it is believed that the Examiner's proposed combination of the references is improper and it is respectfully requested that the Examiner withdraw the rejections of claims 1, 3, and 11.

Applicants further submit that each of independent claims 3 and 11 recite validating targeted user behaviors and user preferences of the model. The portion of GERACE that the Examiner relies upon to show the claimed validating refers to validating the customized data to be presented. Validating the data being presented is patentably distinct from validating the model of the user population to determine whether the initial grouping is still accurate. Actually, validating the presentation data, to which the Examiner refers, relates more to the claimed "tracking design requirements" than the claimed "validating." Thus, for at least this additional reason, it is requested that the Examiner withdraw the rejections of claims 3 and 11.

Accordingly, for all the reasons noted above, Applicants respectfully request reconsideration and withdrawal of each of the outstanding rejections of claims 1, 3 and 11. Applicants additionally submit that each of claims 2, 4 - 10, and 12 - 18 are allowable, at least because each depends, directly or indirectly,

from an allowable independent claim, as well as for reasons related to their own recitations.

Entry of the present amendment is believed to be proper even though this case is subject to a final rejection. That is, the modeling limitation added to claim 3 is similar to the modeling limitation already recited in claims 1 and 11, and therefore already considered. The clarification of the validation (of the model data) is consistent with the specification and merely recites a limitation that was already implied. The behavior and preferences are recited as being categorized, described, and modeled. Thus, these same behaviors and preferences (of the model) are being validated. The amendments more clearly recite what was already understood, and in fact already required by the previous claim language.

SUMMARY AND CONCLUSION

Applicants believe that the present application is in condition for allowance, and respectfully request an indication to that effect. Applicants have amended the claims to clarify the features of the present invention. Applicants have discussed the features recited in applicants' claims and have shown how these features are not taught, disclosed, nor rendered obvious by the reference applied by the Examiner.

Should the Examiner have any questions, please contact the undersigned at the telephone number provided below.

Respectfully submitted,
Robert R. BUSHEY et al.

Will R. Lyall Reg. No.
Bruce H. Bernstein 41,568
Reg. No. 29,027

November 26, 2004
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, Virginia 20191
(703) 716-1191